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EXAMINER	
SHEDRICK, CHARLES TERRELL	

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/574,004	PARATA, DARIO	
	Examiner	Art Unit	
	CHARLES SHEDRICK	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *30-36,38-50 and 52-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *30-36,38-50 and 52-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/5/09 have been fully considered but they are not persuasive.

2. Claim 30

Carefully consider the language of the claims in terms of what is actually taking place. Consider claim 30 - nothing in claim one indicates what or who starts/initiates a set of location action to improve the location of the mobile (i.e., claim 30 comprises method that could actually be performed manually without a machine).

3. Claim 45

Before considering claim 45 which indicates that the monitoring module performs the above noted function, one should consider the broadest reasonable interpretation of the language.

1. an action is initiated
2. the purpose of the action is to improve the location
3. the location in question is the location *of the mobile phone*.

Now carefully consider the following manner of claim interpretation; what is unclear from the claim language is whether *the action to improve* causes one (e.g., an external entity) to physically move to a better location or is there a particular function **in the monitoring** module that for example reduces interference, switch frequencies, boost signal etc. to thus improve *the current location* of the mobile without the mobile actually physically moving from the current location. In other words, based on the claim language how does one determine whether the mobile improves the location internally or is the location action improved in conjunction with some

external entity physically moving the unit based on the instructions from the mobile (e.g., signal strength indications or compass ?). The Examiner's interpretation of the limitation is that the monitoring module produces an action that for example would at least provoke the location of mobile phone to be moved physically or relocated by an external entity to an area of better service (i.e., of better signal quality or of less disruption to those around the mobile) thus improving the location relatively speaking. For Example, if the cell phone signal causes an annoyance or harmful interference at least powering off the mobile would at least be considered a location action for an external entity to move to a less hazardous area in order to obtain service and thus an improved location with respect to those who do not want to be disturbed (e.g., in a concert hall). Next, the monitoring module must be configured to only "start(ing)" an action to improve the location of the mobile phone. The manner of improvement shall be given the broadest reasonable interpretation absent explicit indications in the claim language. For the sake of Examination the Examiner respectfully notes that examples of improved location (relatively speaking) would be considered at least an area of better signal quality (i.e., strength, reduced interference etc.), hazardous vs. non- hazardous, quiet zone vs. a cell phone waiting area.

4. Claims 31-36, 38-50 and 52-58

Dependent 31-36, 38-50 and 52-58 are not allowable at least due to their dependence from base claims.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **30-36, 38-50 and 52 -58** are rejected under 35 U.S.C. 102(b) as being anticipated by Sykes et al, US Patent Pub. No.: US Patent No.: 2002/0016169 A1, hereinafter, "**Sykes**"

Consider **Claims 30 and 45, Sykes teaches** a method of generating triggers for the provision of location based services in a mobile communication network supporting a plurality of mobile terminals over a given territory, comprising the steps of: defining a set of target areas within said territory **(i.e., each geographic area is defined)(e.g., see at least paragraph 0012)**, each target area in said set being identified by respective geographic data(i.**e., location data that is a function of a set of BS)(e.g., see paragraph 0012**); transforming said geographic data in a respective set of values of network related entities**(e.g., 0012, 0034-0035 and 0039)**, said respective set of values being expected to be associated with a mobile terminal of said mobile network when located in the corresponding target area**(e.g., the location data is compared and the feature is applied as noted in at least paragraphs 0014 -0015)**; monitoring the values in said respective set as associated to at least one monitored mobile terminal in said mobile communication network**(e.g., see paragraphs 0012-0021,0025)**; checking whether said values as monitored match with said set of values as expected to be encountered**(e.g., see paragraphs 0012-0021,0025)**; and when a match is found, which is indicative of said monitored mobile terminal being located in a given target area of said set, generating a trigger for prompting delivery of location based services related to said given target area in said set toward said monitored mobile terminal**(e.g., see paragraphs 0012-0021,0025)**; starting, when said match is found, a set of location actions to improve the location of said mobile terminal being monitored within said given target area**(i.e., it is noted that the improving the location is relative**

according to the manner in which the claim language is written. Consider if a match is found indicating that the mobile unit is located on a plane then set actions can be applied to improve the location of the mobile phone with respect to the User, Location, Neighboring users, signal strength etc.)(consider at least paragraph 0062 and above remarks in response to arguments for Examiner's interpretation).

Consider **claims 31 and 46 and as applied to claims 30 and 45**, Sykes teaches wherein for each mobile terminal, said set of values includes at least one value selected among a power value, a time value or a cell identifier relative to a cell different from a cell serving said mobile terminal **(e.g., cell identifiers of BS as noted in at least paragraphs 0031-0033)**.

Consider **claims 32 and 47 and as applied to claims 31 and 46**, Sykes teaches wherein said set of values comprises at least one value selected from CPICH RSCP, PCCPCH RSCP, GSM carrier RSSI, RTT in FDD, Rx Timing Deviation in TDD, SFN-SFN, RXLEV, and TA **(e.g., standard practice in operation of a cellular network as noted in at least paragraph 0033)**.

Consider **claims 33 and 48 and as applied to claims 31 and 46**, Sykes teaches wherein said set of values comprises at least one value selected from location areas, routing areas, cell identifiers, and corresponding adjacent frequencies **(e.g., location areas as noted in at least paragraphs 0034-0035)**.

Consider **claims 34 and 49 and as applied to claims 30 and 45**, Sykes teaches wherein said step of monitoring is carried out with said mobile terminal **(e.g., see paragraphs 0044 and 0045)**.

Consider **claims 35 and 50 and as applied to claims 30 and 45**, Sykes teaches wherein

said step of checking is carried out with said mobile terminal (**e.g., 0044 and 0045**).

Consider **claims 36 and as applied to claims 30**, Sykes teaches wherein said set of expected values comprises at least one entity external to said mobile network (**e.g., reference data or locations as noted in paragraph 0061**).

Consider **claims 38 and as applied to claims 30**, Sykes teaches wherein said step of checking is carried at the network node level (**e.g., the network level configuration is recognized accordingly in paragraphs 0008-0009**).

Consider **claims 39 and 57 and as applied to claims 30 and any of claim 45**, Sykes teaches wherein said step of monitoring is carried at the network node level (**e.g., the network level configuration is recognized accordingly in paragraphs 0008-0009**).

Consider **claims 40 and 52 and as applied to claims 30 and 45**, Sykes teaches wherein said operation of transforming said geographic data is carried out at the network infrastructure level (**e.g., see paragraphs 0039 can be entered directly or sent to the mobile via the network**).

Consider **claims 41 and 53 and as applied to claims 30 and 45**, Sykes teaches wherein said operation of transforming said geographic data is carried out at the mobile terminal level (**e.g., see paragraphs 0039 can be entered directly or sent to the mobile via the network**).

Consider **claims 42 and 54 and as applied to claims 30 and 45**, Sykes teaches wherein said step of providing location based services is carried out at the network infrastructure level (**e.g., see paragraphs 0039 location based "services" are provided in combination**).

Consider **claims 43 and 55 and as applied to claims 30 and 45**, Sykes teaches wherein said step of providing location based services is carried out at the mobile terminal level (**e.g., see**

paragraphs 0039 location based "services" are provided in combination).

Consider **claims 44 and 56 and as applied to claims 33 and 55**, Sykes teaches comprising the step of providing communication facilities for permitting said monitored mobile terminal to receive information from at least one data base containing information related to said location base services(**e.g., the HLR or VLR as noted in paragraph 0044**).

Consider **claims 58**, Sykes teaches a computer readable medium encoded with a computer program product loadable into a memory of at least one computer, the computer program product comprising software code portions capable of performing the steps of the method of any one of claims 30 to 36 and 38-40(**e.g., see programming code required to provide above noted methods and see also 101 rejection above**).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles Shedrick/
Examiner, Art Unit 2617

/Lester Kincaid/

Supervisory Patent Examiner, Art Unit 2617